

# SPIVAKLIPTON<sub>LLP</sub>

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June 21, 2022

**Via ECF**

The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: Trustees of the AGMA Retirement Plan v. New York City Opera, Inc.  
Case No. 1:22-cv-03211 (KPF)**

Dear Judge Failla:

This firm represents Plaintiffs in the above-referenced case. Pursuant to Rule 2.D of Your Honor's Individual Rules of Practice in Civil Cases, I write to request an extension of the June 26, 2022 deadline to move for default judgment. (See ECF No. 13.) Plaintiffs request a 15-day extension of the deadline to July 11, 2022. This is the first request for an extension of this deadline.

Plaintiffs request this extension to ensure Plaintiffs' counsel will have sufficient time to finish preparing the papers necessary to move for default judgment in accordance with Your Honor's individual rules. Plaintiffs' counsel had a previously-scheduled vacation from June 3-12 and subsequently contracted Covid-19. Plaintiffs have not contacted Defendant concerning this request because Defendant has not entered an appearance in this matter and has defaulted.

Thank you for the Court's consideration.

Respectfully submitted,

SPIVAK LIPTON LLP



Nicholas J. Johnson  
*Counsel for Plaintiffs*

Application GRANTED.

The Clerk of Court is directed to terminate the motion at docket entry 14.

Dated: June 22, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE